IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10953 of 2005

Between:

1 Sivanandapuram Cooperative House Building society Limited No.1193/68 rep.by its President N.Venugopal Reddy, Near CWC Godown, Door No.4/32, Sivanandapuram Colony, Putlampalli Village, Cuddapah(M), Cuddapah District, R/o.D.No.416-2, AravindaNagar Colony,Near RTC Bus Stand Cuddapah Town & District.
2 Gelivi Nagarathnam Chetty, S/o.Late Pedda Balaiah,
C/o.Sree Krishna Geetha Mandiram, Railway Station Road, Nandalur, CuddapahDistrict.
3 G.Leelavathi,W/o.G.KrishnamRaju, Patur Village & Post, Nandalur Mandal, Cuddapah District.

..... PETITIONERS

AND

1 The Superintendent of police, Cuddapah, Cuddapah District.
2 The Deputy Superintendent of police, Cuddapah, Cuddapah District.
3 The Circle Inspector of police, Chinnachowk police Station,
Cuddapah, Cuddapah District.
4 The Circle Inspector of police, 1st floor, Taluk police Station, Cuddapah, Cuddapah Dist.
5 Smt.D.Chand Begum, W/o.Late S.Sardar Khan, R/o.D.No.9-14, Ravindra Nagar, Ramakrishna Colony, Akkayapalli village, Cuddapah Distirct.
6 D.K.Hameed Khan, S/o.Late S.Sardar Khan, R/o.Ravindra Nagar,
Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
7 D.K.Nawaz Khan, S/o.Late S.Sardar Khan, R/o.Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
8 D.K.Ahmed Khan, S/o.Late S.Sardar Khan, R/o.Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
9 Smt. Noor Jahan Begum, D/o.Late S.Sardar Khan, R/o.Ravindra Nagar,
Ramakrishna Colony, Akkayapalli Village, Cuddapah District.
10 Smt.Sufiya Begum @ Mallika, D/o.Late S.Sardar Khan, R/o.Ravindra Nagar, Ramakrishna Colony, Akkayapalli Village, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent Nos.1 to 4 herein in interfering with the petitioners peaceful possession and enjoyment over the land in an extent of Ac.4.50 cents in sy.no.28/3, Ac.0.20 Cents in Sy.No.49, Ac.1.14 Cents in Sy.Nos.28/1, Ac.0.20 cents in sy.no.28/1 of Putlampalli village fields and Ac.1.00 cents out of Ac.6.66 cents in Sy.No.607 of Mamillapalli village fields, Ac.0.05 1/2 cents out of Ac.4.50 cents in sy.no.28/3 and Ac.0.30 1/2 cents in sy.no.28/2 of Putlampalli village fields, Putlampall village, Cuddapah Mandal, Cuddapah District, respectively belongs to the petitioners, as highly highhanded, arbitrary, illegal and violative of the fundamental and Constitutional rights guaranteed to the petitioners under articles 14, 19(1)(g), 21 and 300-A of the Constitution of India and consequently direct the respondent NOs.1 to 4 not to interfere with the petitioners peaceful possession and enjoyment over the land in an extent of Ac.4.50 cents in Sy.NO.28/3, Ac.0.20 cents in sy.NO.49, Ac.1.14 cents in Sy.No.28/1, Ac.0.20 cents in Sy.NO.28/1 of Putlampalli village fields and Ac.1.00 cents out of Ac.6.66 cents in Sy.No.607 of Mamillapalli village fields, Ac.0.05 1/2 cents out of Ac.4.50 cents in Sy.NO.28/3 and Ac.0.03 1/2 cents in Sy.NO.28/2 of Putlampalli village fields, Putlampalli village, Cuddapah Mandal, Cuddapah District, respectively belongs to the petitioners and pass such other order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.R.REDDY KOVVURI

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

:: ORAL ORDER ::

The writ petition is filed complaining that the respondents 1 to 4 are interfering with the petitioners' peaceful possession and enjoyment of land of Ac.4.50 cts, in Sy.Nos. 28/3, Ac.0.20 cts, in Sy.No.49, Ac.1.14 cts, in Sy.No.28/1, Ac.0.20 cts, in Sy.No.28/1; Ac.1.00 cts out of Ac.6.66 cts, in Sy.No.607 of Mamilla Palli fields, Ac.0.05½ cts, out of Ac.4.50 cts, in Sy.No.28/3 and Ac.0.03½ cts, in Sy.No.28/2 of Putlampalli fields, Putlampalli village, Cuddapah District, at the instance of the respondents 5 to 10.

The 1st respondent has filed a counter affidavit stating that he had enquired into the complaint of the petitioners in detail and that the said enquiry revealed that there was a dispute between two communities – Reddys and Muslims in that locality, that the 7th respondent had approached the then Superintendent of Police with a representation which was endorsed to the Inspector of Police (R4) with instructions to enquire into the matter. Thereafter the 2nd and 4th respondents called for the

petitioners and the unofficial respondents 5 to 10 enquired into the areas of disputes between them and advised the parties to await the pending civil litigation. Despite such advice to maintain peace, there was some breach of law and order consequent on a scuffle between the parties. As such prohibitory orders u/Sec.145 Cr.PC were issued and both the parties are restricted from entering into the lands in question till the disposal of the civil litigation. The answering respondent further states that apart from the above there was no other interference by the official respondents and that the allegation that the respondents 2 to 4 abused the petitioners in filthy language and threatened them with dire consequences, is false.

In view of the categorical denial of the petitioners' allegations and no rebuttal to this averment in the counter, by the petitioners, the writ petition is dismissed. No order as to costs.

Dated: 04.07.2005 ----------

Pvsn Justice G. Raghuram

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1) 2 CD copies